REMARKS/ARGUMENTS

Claims 1 through 20 remain in this application.

Claims 1 through 4, 6, 8, 11 through 13, 16 and 18 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,584,494 to Manabe, et al. ("Manabe, et al. patent"). However, in rejecting these claims, the Examiner has relied upon the combination of the Manabe, et al. patent and U.S. Patent No. 6,784,899 to Barrus, et al. ("Barrus, et al. patent). Accordingly, Applicants have assumed that the Examiner intended to reject claims 1 through 4, 6, 8, 11 through 13, 16 and 18 under 35 U.S.C. §103(a), not 35 U.S.C. §102(e) as stated by the above Office Action.

Also, claims 5, 7, 9, 15, 17 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Manabe, et al. patent in view of U.S. Patent No. 6,430,604 to Ogle, et al. ("Ogle, et al. patent"). Claims 10 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Manabe, et al. patent in view of U.S. Patent No. 6,301,609 to Aravamudan, et al. ("Aravamudan, et al. patent"). Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over the Manabe, et al. patent in view of U.S. Patent Application Publication No. 2004/0048615 to Kato, et al. ("Kato, et al. publication").

Claim 1 provides, *inter alia*, "determining whether the target device is available for interactive communication with the originating device and whether a canned reply associated with the originating device is available based on the configuration data" and "sending the canned reply to the originating device if the target device is unavailable for interactive communication

with the originating device and the canned reply associated with the originating device is available". Also, claim 11 provides, *inter alia*, "a messaging proxy coupled to the messaging server, the messaging proxy being effective to direct the messaging server to route the communication message to the target device if the target device is available for interactive communication with the originating device and to send a canned reply associated with the originating device to the originating device if the target device is unavailable for interactive communication with the originating device and the canned reply associated with the originating device is available to the messaging proxy".

The above Office Action states that the Manabe, et al. patent fails to teach whether a canned reply associated with an originating device is available, but the Barrus, et al. patent teaches this limitation of claims 1 and 11 at page 22, lines 39 through 63.

Applicants would like to enhance the Examiner's understanding of the Barrus, et al. patent. The Barrus, et al. patent describes a method for addressing and sending a message that provides automatic delivery and receipt of reply messages appropriate to a user's profile. Col. 22, lines 46 through 49, of the Barrus, et al. patent states:

> "Each user 102 preferably has a profile defining the preferred method for delivery of the reply stored in database 312. For example, a default user profile would be set to respond in a similar manner to how the message was received."

Thus, the Barrus, et al. patent describes a system that identifies a preferred method for delivery of reply messages, i.e., a transport means for delivery. Claims 1 and 11, on the other hand, determines the availability of the reply message, not the method for delivery. Thus, the Barrus, et al. patent does not describe or suggest determining whether a canned reply is available, as

required by claim 1, or sending a canned reply to an originating device if the target device is unavailable and the canned reply is available, as required by claim 11.

Likewise, the Ogle, et al. patent, the Aravamudan, et al. patent, and Kato, et al. publication do not describe or suggest a canned reply associated with the originating device as required by claims 1 and 11. Therefore, claims 1 and 11 distinguish patentably from the Manabe, et al. patent, the Barrus, et al. patent, the Ogle, et al. patent, the Aravamudan, et al. patent, Kato, et al. publication, and any combination of these references.

Claims 2 through 10 and 12 through 20 depend from and include all limitations of independent claims 1 and 11, respectively. Therefore, claims 2 through 10 and 12 through 20 distinguish patentably from the Manabe, et al. patent, the Barrus, et al. patent, the Ogle, et al. patent, the Aravamudan, et al. patent, Kato, et al. publication, and any combination of these references for the reasons stated above for claims 1 and 11.

In view of the above, reconsideration and withdrawal of the rejections of claims 1 through 20 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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